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New York

President: Mr. Ping ..... (Gabon)

In the absence of the President, Mr. Musambachime (Zambia), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 36 (*continued*)

The situation in the Middle East

Reports of the Secretary-General (A/59/431 and A/59/574)

Draft resolutions (A/59/L.39 and A/59/L.40)

Mr. Ballah (Sudan) (*spoke in Arabic*): My delegation would like to extend its thanks to the Secretary-General of the United Nations for his report on item 36, the situation in the Middle East.

My delegation attaches prime importance to the evolution of the situation in the Middle East, which has direct effects on international peace and security, not to mention its regional repercussions. Israel's continued defiance — reflected in its violations of international legitimacy on the pretext of protecting its national security and ensuring the safety of its settlers and in its blatant defiance of the will of the international community — obstructs efforts to reach a peaceful settlement in the Middle East in conformity with Security Council resolutions 242 (1967) and 338 (1973). Those resolutions stipulate that Israel must withdraw completely from Arab territories occupied on 4 June 1967, including the Syrian Golan, and the Lebanese Shab'a farms.

The Sudan welcomes the advisory opinion of the International Court of Justice, which declares the building of the separation wall to be null and void. It declares the racist wall to be a further manifestation of the oppression and State terror still exercised by Israel against the Palestinians, not to mention that the wall divides the Palestinian territories into separate, unconnected cantons. In that regard, we call upon the occupying Power to comply with the Court's advisory opinion and pay compensation for damages resulting from the construction of the wall.

The United Nations, which recognized the State of Israel, has a responsibility to urge Israel to abide by resolutions of international legitimacy and to cease forthwith the practice of State terror against the defenceless Palestinian people, using all the destructive war machinery available to it. Israel's behaviour violates the very spirit of the United Nations Charter and international humanitarian law, particularly the Geneva Conventions. We cannot fail to recall that Israel continues to engage in all forms of killing, torturing and intimidation of Palestinians, and in the destruction of their infrastructure and their economy. The Sudan also warns against calculated attempts to confuse terrorism with the legitimate right of peoples to achieve freedom, dignity, independence and self-determination.

The Sudan pays tribute to the civilized manner in which the Palestinian people have dealt with the

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transition of authority, which will be completed through the forthcoming free elections. We call upon Israel to do nothing to obstruct the various stages of the electoral process in the Gaza Strip, the West Bank and Jerusalem.

Israel's decision to withdraw from the Gaza Strip — which we hope will be coordinated with the Palestinian Authority in such a way as not to leave a political or security vacuum — should be viewed as part of the road map and should be followed by complete withdrawal from the entire occupied Palestinian territory, in accordance with international resolutions and the principle of land for peace. At the same time, this is a test of Israel's credibility at a new stage when the Arab-Israeli conflict is characterized by political movement.

We hope that these developments will lead to a new era in which Israel will withdraw completely from the Palestinian territory, the Syrian Golan, and southern Lebanon. We also hope that a final, comprehensive and just peace will prevail in that area.

Mrs. Asmady (Indonesia): Let me first express the appreciation of my delegation to the Secretary-General for his reports on the situation in the Middle East over the past year (A/59/431 and A/59/574).

My delegation takes note of the Secretary-General, following the adoption of General Assembly resolution 58/21 of 3 December 2003, having contacted all parties to the conflict regarding steps taken by them to implement the relevant provisions of the resolution. Unfortunately, as it had in the past, Israel responded to the Secretary-General's contact by dismissing the enabling resolution as unbalanced and undue interference in the matter, and as "counterproductive to the very spirit of peace" (*A/59/574, para. 4*).

Furthermore, we express great concern at the acquisition of nuclear capability by Israel, which poses a serious and continued threat to the security of neighbouring and other States. Therefore, we reaffirm the need for the speedy establishment of a nuclear-weapon-free zone in the Middle East and call upon all parties concerned to take urgent steps towards the fulfilment of that need. In this regard, we demand that Israel, the only country in the region that has not joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) or declared its intention to do so, renounce the possession of nuclear weapons and to place all its nuclear facilities under International Atomic Energy Agency safeguards.

We find it difficult to comprehend a situation where a State that claims to be interested in peace would insist on the imposition of its rules on all the other parties as a precondition for peace. That is what Israel has continued to do, using its military might. Israel's high-handed approach, linked to its militarism, has seen nearly a million Palestinians affected by its construction of the separation wall, and Palestinians isolated from one another. Israel's insistence on playing by its own rules has resulted in a tremendous worsening in economic and humanitarian affairs in the West Bank and Gaza, and it reflects general disrespect for international humanitarian and human rights law.

The Secretary-General observes correctly that, as a result of this, the peace process in the Middle East has stalled. He also points out that "The rising number of deaths and injuries is evidence of the lack of progress in advancing the peace process over the last year" (*A/59/574, para. 6*). The truth is that progress is impossible in any endeavour if individual entities are playing by different rules. It is in the interest of peace, and in Israel's interest, that the relevant resolutions of the United Nations apply to everyone.

Israel cannot continue with the construction of the wall and other activities of serious concern, such as Israeli military raids, assassinations, closures, curfews and blockades, and expect Palestinians to believe that there is indeed a peace process under way. Israel must comply with the Geneva Conventions and, in addition to halting the construction of the wall, comply with its obligations to protect civilians.

On the issue of the Syrian Golan, we would like to reaffirm the absolute need for Israel to end its occupation, as stipulated in General Assembly resolution 58/23, entitled "The Syrian Golan," and in other relevant Security Council resolutions. Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without any validity whatsoever.

Similarly, we call on Israel to terminate its illegal activities and violations of the territorial integrity and sovereignty of Lebanon; and we call on the Security Council to assume its responsibility towards ending that longstanding conflict.

We would also like to reaffirm General Assembly resolution 58/22 entitled, "Jerusalem", which calls upon the international community to exert pressure on Israel to end its occupation of the Arab territories occupied by it since 1967, including Jerusalem.

In addition, Security Council resolution 478 (1980) did not recognize the enactment by Israel of the "basic law" on Jerusalem and affirmed that Israel's decision to impose its laws, jurisdiction and administration on Al-Quds Al-Sharif was illegal and consequently null and void.

Having said that, it is reassuring that during this period, the Security Council has continued to regard the situation in the Middle East as one of the most important items on its agenda, devoting a variety of briefings to the subject, as well as holding five open meetings and regular informal consultations. It is also a matter of record that the Council has adopted two resolutions on the issue. In resolution 1515 (2003) of 19 November 2003, the Council endorsed the road map and called on the parties to fulfil their obligations under it. Similarly, on 19 May 2004, the Council adopted resolution 1544 (2004), in which it called on Israel to respect its obligations under international humanitarian law.

While that is reassuring, we feel that there is need for the Council to do more than adopt resolutions and then watch them being flouted. Resolutions adopted by that body under its mandate to maintain international peace and security are not worth the paper upon which they are printed unless they are implemented. It is the responsibility of the Council to ensure that those resolutions are implemented. It is impossible to imagine peace in the Middle East without a just solution to the Palestinian issue, just as it is impossible to imagine any progress on the road to peace without full implementation of the relevant resolutions.

Turning to Iraq, my delegation would like to stress the importance of halting the violence and addressing the lack of security as a matter of priority. The importance of those tasks cannot be overemphasized — particularly with the approach of the elections scheduled for January 2005 and the need to create conditions conducive to holding them. With regard to that process, Indonesia calls on the international community to recognize and respect the Iraqi people's right to independence and territorial integrity. The holding of free, fair and orderly elections is of the utmost importance to the future of that great country.

Peace in the Middle East is within reach. However, Indonesia believes that a just and comprehensive peace in the Middle East cannot be achieved without a just and comprehensive settlement of the issue of Palestine, which is the key to peace in the area. In that regard, there is no need for a new peace plan, but rather there is need of the opportunity to implement the existing one — the road map. The objective of the road map, which is to have two independent States living side by side within internationally recognized borders, is valid and achievable. We call on all the parties to approach the achieving of that objective with a sense of realism; otherwise, the concept of peace in the Middle East will remain only a concept.

Before I conclude, permit me also to take this opportunity to call upon the international community to support the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East by helping to eliminate the obstacles to its work.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): The General Assembly will very shortly be concluding its debate on the situation in the Middle East, at the heart of which lies the question of Palestine. In taking the floor in that debate, my delegation first of all would like to associate itself with the unanimous tribute that was paid a few weeks ago to the memory of the President of the Palestinian Authority, Yasser Arafat for four decades symbolized, embodied and bore the legitimate aspirations of the Palestinian people.

My delegation would like to note and welcome the level-headedness and moderation demonstrated by the speakers who have taken the floor during this debate. That is a sign of our times. We would like to see in that an expression of the will of the parties and the international community to create conditions for a peaceful settlement of the situation in the Middle East.

Cameroon would like to recall that a peaceful settlement is predicated upon a dual recognition: the recognition of the right of Israel to exist within safe and internationally recognized borders and the recognition of the right of the Palestinians to the creation of an independent and sovereign State side by side with the State of Israel.

That right was reaffirmed the day before yesterday during commemoration of the International Day of Solidarity with the Palestinian People — a day organized by the Committee for the Exercise of the Inalienable Rights of the Palestinian People, which is happily being chaired by my friend and colleague, Ambassador Paul Badji, from Senegal. It is my pleasure to hail and to praise the skill and dedication with which he has been discharging his most responsible and sensitive mission.

My delegation, finally, would like to thank all of those who have been toiling patiently and doggedly to restore peace to Palestine, the land of peace. Our thoughts are particularly with those who, through their words and deeds, are helping to create a culture of peace among and around the Israelis and Palestinians. Despite the numerous setbacks which, up until now, have studded the road leading to peace and despite that violence and injustice for which the Middle East seems to be a magnet, the international community must continue to affirm forcefully that peace is possible in the Middle East. Everything here depends on the Israelis and the Palestinians, and everything depends on their leaders.

Cameroon reiterates today, as it has always said, that peace cannot be taken for granted. Peace is created and is built, first and foremost in the hearts of men and in their relationships to each other. Creating peace means working together to build a society of justice and fraternity.

Peace is possible in the Middle East if the inhabitants of Palestine, that is the Israelis and the Palestinians, take a decision to be the creators, the crafters and the builders of that peace. How could things be otherwise for two brotherly peoples condemned by the very ethical logic of brotherhood to live together according to the theory of positive differences. Why cannot the inhabitants of Palestine, why cannot Israelis and Palestinians create that peace and be its craftsmen? Why can they not reflect in deeds that peace to which they are so deeply devoted, that peace that they designate using the same phonemes, "shalom" and "salaam", which for them has the meaning of harmony? Harmony with self and with others, and harmony with nature. "Shalom/salaam" also has the meaning of absolute happiness, of fulfilment, of harmony in a brotherly existence and mutual confidence.

Peace is possible if Israelis and Palestinians decide, as faithful adherents to that doublet, "shalom/salaam", to live together and to build their future together. To do so, they must on the one hand, learn again to trust each other in mutual recognition and acceptance, and on the other hand to be committed to a patient and constructive dialogue.

Peace is possible if leaders show even more courage and a farsighted sense of history, if, to cite Francois Mauriac,

> "they decide to be of that race of statesmen who can analyse a given political situation and act on it, without losing sight of the broad guidelines required, and without failing to meet any of the demands imposed by the honour of the country or its security;"

and I would add, in this case, by its birth and its survival. It is with such leaders that the peoples of the Middle East will break the shackles of the past, will cast off their anchors, will unfurl the sails of their destiny to open themselves to the winds of peace and chart a course towards the future.

As Pope John Paul II hoped to see, courageous men are needed who can agree to look at each other and to listen to each other. Only such people will be able to find the appropriate instruments to build societies in which each person is indispensable to all others and which diversity is recognized as a boon.

Peace is not written in letters of blood, but rather with intelligence and with the heart. The various resolutions which have been voted on the Middle East and the various peace plans drawn up have perhaps not fully borne fruit because precisely what was missing was that spiritual element, those elements which are essential for a culture and position of peace, as is so properly summed up by the encyclical message of Pope John Paul II for the celebration of the World Day for Peace:

> "In the end, peace is not essentially about structures but about people. Certain structure and mechanisms of peace — juridical, political, economic — are of course necessary and do exist, but they have been derived from nothing other than the accumulated wisdom and experience of innumerable gestures of peace made by men and women throughout history who have kept hope and have not given in to discouragement.

> Gestures of peace spring from the lives of people who foster peace first of all in their own hearts. They are the work of the heart and of reason in those who are peacemakers."

Let us all be peacemakers, by promoting a consensus in the Middle East, by creating around the Israelis and the Palestinians a genuine culture of peace. Otherwise, differences will continue and the roads towards peace will remain long and arduous. That, in any, case, is the firm conviction of Cameroon and that is the origin of its positions on the various resolutions on the Middle East.

Mr. Mabhongo (South Africa): On behalf of the Government and the people of South Africa, we wish to express our deep sorrow and heartfelt sympathy to the people of Palestine on the recent passing of Mr. Yasser Arafat, the late President of the Palestinian Authority and the Chairman of the Palestinian Liberation Organization. We also wish to convey our condolences to his wife and daughter during this time of grief.

Allow me to repeat a message expressed by President Thabo Mbeki on the passing away of President Arafat. He said:

> "A great son of Palestine will be laid to rest in Ramallah, a titan of the Palestinian struggle for self-determination is no more. A giant tree has fallen. His life almost seems like a biography of the people of Palestine, covering five and a half decades of hope, despair and perseverance. To the Palestinian people he was a beacon of hope in their long struggle for self-determination and independence".

Even during this time of mourning, the Palestinian people have experienced many deaths as a result of the indiscriminate and excessive use of force by Israel, the occupying Power. The destruction of property, economic strangulation and increasing levels of unemployment have become divisive. All these are contrary to Israel's obligations under international human rights law, as well as international humanitarian law.

We therefore call on the international community to prevail upon Israel to respect its obligations. We have a collective duty to stop all the atrocities and the abhorrent policies and practices being committed against the people of Palestine.

We thank the Secretary-General for his comprehensive report on agenda item 36, entitled "The situation in the Middle East" (A/59/431), issued pursuant to resolutions 58/22 and 58/23 of 3 December 2003.

This year is yet another in which our Organization takes on one of the most important and long outstanding issue on its agenda. Sadly, though, we have witnessed the unfortunate course of events in the Security Council in which the Council failed three consecutive times to adopt resolutions on important issues regarding Palestinian territory.

We wish equally to reaffirm the permanent responsibility of the United Nations with regard to the question of Palestine until it is resolved in all its aspects. We believe that a peaceful settlement is within reach through the implementation of existing agreements between the Israeli and Palestinian sides, including the efforts of the Quartet, aimed at establishing a comprehensive, just and lasting peace. We also welcome the Arab Peace Initiative adopted by the Arab States in Beirut in March 2002. In that regard, we also wish to underscore the importance of establishing a credible and effective third-party monitoring mechanism that would include the participation of all members of the Quartet.

General Assembly resolutions on the peaceful settlement of the question of Palestine have traditionally reaffirmed the rules and principles of international law that are central to the peaceful settlement of the longstanding question of Palestine. It is, therefore, incumbent upon all parties to revive the Middle East peace process. They must demonstrate the necessary courage and leadership to break through the present deadlock, to put an end to the hostilities and to re-engage in a serious political process, as set out in the road map. We further support agreement on a two-State solution and the principle of land for peace, as well as the implementation of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), and Assembly resolution ES-10/15 of 20 July 2004.

The international community has a collective role to play in finding a lasting and peaceful solution to the Palestinian question. We must all work together towards the attainment of that goal. Let us work in unison to fulfil the long-desired goal of the Palestinian people for peace, independence and statehood.

The Acting President: We have heard the last speaker in the debate on agenda item 36. I would like to remind members that action on draft resolutions A/59/L.39, as orally corrected, and A/59/L.40 will be taken after action on the draft resolutions under agenda item 37, "Question of Palestine".

Agenda item 37 (*continued*)

Question of Palestine

Draft resolutions (A/59/L.34, A/59/L.35, A/59/L.36 and A/59/L.37)

The Acting President: Members will recall that the General Assembly held the debate on this item at its 61st and 62nd plenary meetings, on 29 and 30 November 2004.

I now give the floor to Ambassador Paul Badji of Senegal to introduce an amendment to draft resolution A/59/L.34.

Mr. Badji (Senegal) (*spoke in French*): On behalf of the sponsors, I would like to propose a small correction to the draft resolution on the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/59/L.34).

In the sixth preambular paragraph, the words

(*spoke in English*)

"in this regard" should be replaced by the words "also its".

(*spoke in French*)

The paragraph should thus read as follows.

(*spoke in English*)

> "Recalling further the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and recalling also its resolution ES-10/15 of 20 July 2004,".

The Acting President: We shall now proceed to consider and take decisions on draft resolutions A/59/L.34, as orally corrected, L.35, L.36 and L.37.

We turn first to draft resolution A/59/L.34, entitled "Committee on the Exercise of the Inalienable Rights of the Palestinian People", as orally corrected. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian

Federation, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu.

Draft resolution A/59/L.34, as orally corrected, was adopted by 104 votes to 7, with 63 abstentions (resolution 59/28).

The Acting President: We turn next to draft resolution A/59/L.35, entitled "Division for Palestinian Rights of the Secretariat". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Grenada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vanuatu.

Draft resolution A/59/L.35 was adopted by 103 votes to 8, with 64 abstentions (resolution 59/29).

The Acting President: We turn next to draft resolution A/59/L.36, entitled "Special information programme on the question of Palestine of the Department of Public Information of the Secretariat". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon,

Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Grenada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Australia, Cameroon, Haiti, Papua New Guinea, Samoa, Solomon Islands, Tonga, Uganda, Vanuatu.

Draft resolution A/59/L.36 was adopted by 162 votes to 7, with 9 abstentions (resolution 59/30).

The Acting President: The Assembly will now take a decision on draft resolution A/59/L.37, entitled "Peaceful settlement of the question of Palestine". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Grenada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Cameroon, Haiti, Honduras, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Uganda, Vanuatu.

Draft resolution A/59/L.37 was adopted by 161 votes to 7, with 10 abstentions (resolution 59/31).

The Acting President: I shall now call on those representatives who wish to speak in explanation of vote on the resolutions just adopted. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Núñez de Odremán (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Our delegation wishes to explain its vote in favour of draft resolution A/59/L.37, entitled "Peaceful settlement of the question of Palestine". The delegation of the Bolivarian Republic of Venezuela voted in favour of the resolution because we believe that the right to self-determination is an inalienable right of all peoples. Therefore, the Palestinian people, whose territory is occupied by Israel, is exercising its right by seeking to build its own State. Not to permit that would constitute a violation of international law and of the Charter of the United Nations and a clear threat to international peace and security.

Along those lines, however, agreeing with the advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the occupied Palestinian territory, we want to make clear that we reject any interpretation that would consider the International Court of Justice as a body for the settlement of disputes among States in a specific case without their consent.

Mr. Berry (Canada): Canada voted against draft resolution A/59/L.34 because of serious reservations we have about the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Canada has consistently supported the rights of the Palestinian people — including the right to self-determination and to a Palestinian State — and we will continue to do so until those rights are realized through a negotiated process. However, as we said in our statement yesterday in this Hall, Canada strongly questions the added value of the work of the Committee in the pursuit of that ultimate goal. We believe that the time has come for the General Assembly to assess the effectiveness of that particular body and to consider reassigning resources to the implementation of activities more strategic with regard to the protection and promotion of Palestinian rights and to the achievement of a peaceful settlement.

Canada has the same concerns about the Division for Palestinian Rights, which supports the Committee, although we abstained again this year in the voting on draft resolution A/59/L.35. We will continue to view this resolution from the perspective of consistency with our policy, and we will seriously consider voting against a similar draft resolution next year unless it can be demonstrated that the work of the Division makes a constructive contribution to the peace process.

With regard to draft resolution A/59/L.37, "Peaceful settlement of the question of Palestine", Canada voted in favour, because we welcome fair and action-oriented language reaffirming the obligations of both parties, such as that in operative paragraph 4.

The resolution on the peaceful settlement of conflict, which could be the most important resolution on the Middle East conflict adopted by the General Assembly, should apply fair criticism to and encourage positive action from both parties in a constructive and effective way, consistent with the obligations under the road map. Canada would have welcomed more references to the obligations and responsibilities of the Palestinian Authority. For the record, we would also like to reiterate our previously stated reservations concerning the non-binding status of the advisory opinion of the International Court of Justice.

The Acting President: We have heard the last speaker in explanation of vote after the vote. The General Assembly has thus concluded this stage of its consideration of agenda item 37.

Agenda item 36 (*continued*)

The situation in the Middle East

Draft resolutions A/59/L.39 and A/59/L.40

The Acting President: We shall now proceed to consider draft resolution A/59/L.39, as orally corrected, and draft resolution A/59/L.40.

We turn first to draft resolution A/59/L.39, entitled "Jerusalem", as orally corrected. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil,

Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Costa Rica, Grenada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Cameroon, El Salvador, Fiji, Guatemala, Haiti, Honduras, Kenya, Nauru, Nicaragua, Papua New Guinea, Samoa, Solomon Islands, Tonga, Vanuatu.

Draft resolution A/59/L.39, as orally corrected, was adopted by 155 votes to 7, with 15 abstentions (resolution 59/32).

The Acting President: Draft resolution A/59/L.40 is entitled "The Syrian Golan". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Grenada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany,

Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Nauru, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu.

Draft resolution A/59/L.40 was adopted by 111 votes to 6, with 60 abstentions (resolution 59/33).

The Acting President: Before giving the floor to representatives who wish to speak in explanation of vote on the resolutions just adopted, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Berry (Canada): Canada supports the negotiation of a peaceful solution to all aspects of the Arab-Israeli conflict, including with regard to the Golan Heights, which has been under Israeli occupation since June 1967. We encourage the parties not to miss any opportunity to resume negotiations. However, we abstained on the vote on draft resolution A/59/L.40, in part because it points blame at only one of the parties. The resolution also puts the onus on only one party — Israel — to resume negotiations, when the reality is that confidence-building measures and goodwill gestures are needed from both sides. Moreover, in the interests of efficiency, Canada does not support the introduction of this resolution year after year, given that the Assembly adopts a broadly supported resolution from the Fourth Committee on the same issue every year.

Mr. Van Loosdrecht (Netherlands): I have the honour to speak on behalf of the European Union (EU). The candidate countries Bulgaria, Romania, Turkey and Croatia, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia and Montenegro, and the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area, align themselves with this explanation of vote.

I would like to explain the vote of our countries on the draft resolution on the Syrian Golan.

The EU is deeply concerned about the continued deterioration of the situation in the Middle East. The current spiral of violence must cease. There can be no military solution to the Middle East conflict. A just, lasting and comprehensive settlement of the situation in the Middle East, including on the Syrian and Lebanese tracks, must be based on Security Council resolution 242 (1967) — which emphasizes the inadmissibility of the acquisition of territory by force and the need to work for a just and lasting peace in which every State in the region can live in security — and subsequent Council resolutions 338 (1973), 1397 (2002) and 1515 (2003), as well as the Madrid terms of reference, in particular the principle of land for peace, and the implementation of the road map and all existing agreement between the parties. We will continue to work relentlessly with the regional parties, and within the Middle East Quartet, towards that goal.

The European Union also wishes to point out that a final peace settlement will not be complete without the Israel-Syria and Israel-Lebanon aspects being taken into account. Negotiations should resume as soon as possible with the aim of reaching an agreement.

It should be recalled that last week the European Union voted in favour of the draft resolution on the Syrian Golan under agenda item 76, which called on Israel to desist from changing the demographic composition of the occupied Syrian Golan and in particular to desist from the establishment of settlements.

We believe that the draft resolution on the Syrian Golan under the agenda item under consideration today contains geographical references which could undermine the process of bilateral negotiations. For that reason, as in previous years, the European Union abstained in the voting on this draft resolution.

Finally, in the spirit of the rationalization of the agenda of the General Assembly, the European Union would prefer to have only one resolution with this issue before this body.

Mr. Sardenberg (Brazil) (*spoke in Spanish*): I should like to explain the votes of the delegations of Argentina and of Brazil on draft resolution A/59/L.40 on the Syrian Golan, which was recently adopted by the General Assembly.

Argentina and Brazil voted in favour of the draft resolution because we believe that its essential aspect

is linked to the illicit nature of the acquisition of territory by force. Article 2, paragraph 4, of the Charter of the United Nations prohibits the threat or use of force against the territorial integrity of any State. That is an imperative norm of international law.

I should like also to clarify the position of our delegations with regard to operative paragraph 6 of the draft resolution in question. Our vote does not prejudge the content of that paragraph, in particular the reference to the border of 4 June 1967.

Finally, I should like also to reiterate, on behalf of the Governments of Argentina and of Brazil, a call for the resumption of negotiations between Israel and Syria, with a view to finding a definitive solution to the situation in the Syrian Golan, in conformity with Security Council resolutions 242 (1967) and 338 (1973) and with the principle of land for peace.

Mr. Azor (Haiti) (*spoke in French*): As we said last week in the Fourth Committee, the delegation of Haiti remains dedicated to the sacrosanct principle of the self-determination of peoples. Its renews its support for the peace process in the Middle East.

The delegation of Haiti believes, however, that recent political events in the region of the Middle East have given rise to a new set of circumstances — one that is likely to promote a new, dynamic process that could relaunch the peace process in that region. That is why my delegation abstained in the voting on the draft resolution.

The Acting President: We have heard the last speaker in explanation of vote.

I call on the observer of Palestine.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): It is my honour to express our great appreciation to the General Assembly and to its members — representing the entire international community — for the adoption, by an overwhelming majority, of these two important resolutions on the question of Palestine and the situation in the Middle East.

These resolutions deal with mechanisms for action within the United Nations in connection with the peaceful settlement of the question of Palestine, including Jerusalem, and of the Syrian Golan. These questions are therefore of the greatest importance not only for Palestine but also for the international community as a whole.

We appreciate the political support and solidarity of the members of the Assembly, in particular given the difficult circumstances that the Palestinian people are now facing.

Allow me to express our heartfelt gratitude to the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and in particular to Ambassador Paul Badji, Chairman of the Committee, as well as to his colleagues, members of the Bureau. I would like also to thank the sponsors of the draft resolutions, the Arab Group and the Non-Aligned Movement, and all of those delegations that voted in favour of them.

Here we would like to express particular gratitude to those delegations that have newly voted in favour of the draft resolutions, thereby joining the overwhelming majority of the international community. That has led to an improvement in the results of the voting.

I should like also to thank the political groups that participated in the discussions and negotiations on these texts, in particular the European Union. On the other hand, we regret the fact that the sole negative voice here was that of Canada, which changed its vote from positive to negative — the sole changeover. With all due respect to the political sovereignty of Canada, we reject its explanation of vote, which we deemed equivocal. That in no way changes the positive general nature of the results we have achieved today.

We believe that the General Assembly today once again has taken a stand based on clear principles. We believe, first of all, that there must be respect for international law and its norms; secondly, that the United Nations must shoulder its permanent responsibilities, namely vis-à-vis the question of Palestine; and, thirdly, that efforts must be made to build a clear international consensus and to achieve unanimity regarding the settlement of the question of Palestine and the establishment of peace in the region. These are important principles, and we insist on respect for them. For our part, we will be working towards that end. We are certain that the members of the Assembly will continue to take such a stand.

Once again, I express, on behalf of the Palestinian people and the Palestinian leadership, our great appreciation and gratitude to the General Assembly.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 36.

Programme of work

The Acting President: Before adjourning this meeting, I should like to remind members that, in addition to the items already scheduled for the afternoon of Thursday, 2 December 2004, as announced in today's *Journal*, the General Assembly will resume consideration of the following agenda items to take action on draft resolutions: agenda item 12, "Report of the Economic and Social Council", to take action on draft resolution A/59/L.27/Rev.1; sub-item (c) of agenda item 39, "Assistance to the Palestinian people", to take action on draft resolution A/59/L.24; and agenda item 55, "Follow-up to the outcome of the Millennium Summit", to take action on draft resolution A/59/L.38.

The meeting rose at 11.25 a.m.

United Nations A/59/PV.65

General Assembly
Fifty-ninth session

Official Records

65th plenary meeting
Thursday, 2 December 2004, 3 p.m.
New York

President: Mr. Ping ..... (Gabon)

In the absence of the President, Mr. Dauth (Australia), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Reports of the Sixth Committee

The Acting President: The General Assembly will consider the reports of the Sixth Committee on agenda items 138 to 152, 157, 159, 160 and 162.

I request the Rapporteur of the Sixth Committee, Ms. Anna Sotaniemi of Finland, to introduce in one intervention the reports of the Sixth Committee before the General Assembly.

Ms. Sotaniemi (Finland): Today I have the honour to present to the General Assembly the reports of the Sixth Committee on the 19 substantive agenda items allocated to it, namely, items 138 to 152 and 157, 159, 160 and 162.

I would like to draw the Assembly's attention first to agenda item 138, "Nationality of natural persons in relation to the succession of States". The relevant report of the Committee is contained in document A/59/504, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the Assembly would, inter alia, invite Governments to submit comments on the advisability of drafting a legal instrument on the nationality of natural persons in relation to the succession of States and would decide to consider the agenda item again at its sixty-third session.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do the same.

I now turn to the report of the Sixth Committee on agenda item 139, "Responsibility of States for internationally wrongful acts", contained in document A/59/505.

Under the terms of the draft resolution reproduced in paragraph 6 of the report, the General Assembly would request the Secretary-General to invite States to submit comments on any future action to be taken with regard to the articles on State responsibility. The Secretary-General would also be requested to prepare an initial compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments to submit information on their practice in that regard. In addition, the Assembly would decide to include the item in its provisional agenda for the sixty-second session.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will do the same.

I now invite the attention of the Assembly to agenda item 140, "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". The relevant report of the Sixth Committee is contained in document

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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A/59/506, and the draft resolution that the Committee recommends to the General Assembly for adoption is set out in paragraph 7 thereof.

In accordance with the terms of the draft resolution, the Assembly would, in particular, call upon all States parties to the Geneva Conventions that have not yet done so to consider becoming parties to the Additional Protocols at the earliest possible date; call upon all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol; and call upon all States that have not yet done so to consider becoming parties to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two Protocols thereto, and to other relevant treaties on international humanitarian law relating to the protection of victims of armed conflict.

The Sixth Committee adopted the draft resolution without a vote, and it is hoped that the Assembly will do the same.

I now turn to agenda item 141, "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". The relevant report of the Sixth Committee is contained in document A/59/507, and the draft resolution that the Committee recommends to the Assembly for adoption is set out in paragraph 7 thereof.

Under the terms of the draft resolution, the Assembly would, inter alia, strongly condemn all acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and urge States to take all necessary measures at the national and international levels to prevent any such acts of violence and to ensure, with the participation of the United Nations where appropriate, that such acts are fully investigated with a view to bringing offenders to justice.

The Sixth Committee adopted the draft resolution without a vote, and the Assembly may wish to do the same.

I now invite the attention of members to agenda item 142, "Convention on jurisdictional immunities of States and their property". The relevant report of the Committee is contained in document A/59/508, and the draft resolution recommended to the General Assembly for adoption is reproduced in paragraph 9 thereof.

I am pleased to note that the draft resolution contains, in its annex, the text of the United Nations Convention on Jurisdictional Immunities of States and Their Property. Under the terms of the draft resolution, the General Assembly would adopt the Convention and invite States to become parties to it.

In accordance with the draft resolution, the General Assembly would agree with the general understanding reached in the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property that the Convention does not cover criminal proceedings. In accordance with its articles 28 and 33, the Convention shall be open for signature by all States from 17 January 2005 until 17 January 2007.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do the same.

I now turn to the report of the Sixth Committee on agenda item 143, "Report of the United Nations Commission on International Trade Law on the work of its thirty-seventh session". The report of the Sixth Committee on that agenda item is contained in document A/59/509, and the two draft resolutions recommended to the Assembly for adoption are contained in paragraph 10 thereof.

Under the terms of draft resolution I, entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-seventh session", the General Assembly would, among other things, appeal to relevant international and regional organizations to coordinate their legal activities with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law. It would also reaffirm the importance, in particular for developing countries, of the work of the Commission concerned with training and legislative technical assistance in the field of international trade law and would, in that connection, appeal to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to support the training and legislative technical assistance programme of the Commission and to make voluntary contributions to the relevant trust fund.

Furthermore, the Assembly would welcome the Commission's consideration of the means of actively engaging non-State actors in its work and would encourage the Commission to further explore different approaches to the use of partnerships with non-State actors in the implementation of its mandate. The Assembly would also express its appreciation for the preparation of a digest of case law on the United Nations Convention on Contracts for the International Sale of Goods.

Under the operative paragraphs of draft resolution II, entitled "Legislative Guide on Insolvency Law of the United Nations Commission on International Trade Law", the General Assembly would express its appreciation to the Commission for the completion and adoption of the Legislative Guide and request the Secretary-General to publish it. Furthermore, the Assembly would recommend that all States give due consideration to the Legislative Guide when revising or adopting their relevant legislation.

The Sixth Committee adopted those two draft resolutions without a vote, and it is hoped that the Assembly will do the same.

I now turn to agenda item 144, entitled "Report of the International Law Commission on the work of its fifty-sixth session". The relevant report of the Sixth Committee is contained in document A/59/510, and the draft resolution recommended to the General Assembly for adoption is contained in paragraph 8 thereof.

Under the terms of the draft resolution, the General Assembly would, inter alia, take note of the report of the International Law Commission on the work of its fifty-sixth session and recommend that the Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments. The Assembly would also express its appreciation to the International Law Commission for the work accomplished at its fifty-sixth session, in particular for the completion of the first reading of draft articles on diplomatic protection and of the draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities.

The Assembly would draw the attention of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission, particularly with regard to the draft articles and commentary on diplomatic protection and the draft principles on allocation of loss in the case of transboundary harm arising out of hazardous activities.

The Assembly would reiterate the invitation to Governments to provide information regarding State practice on the topic "Unilateral acts of States", and would invite Governments to provide information regarding their practice, bilateral or regional, relating to the allocation of groundwaters from transboundary aquifer systems and the management of non-renewable transboundary aquifer systems relating to the topic currently entitled "Shared natural resources".

The Assembly would endorse the decision of the International Law Commission to include in its agenda the topics "Expulsion of aliens" and "Effects of armed conflicts on treaties". Moreover, it would take note of paragraphs 362 and 363 of the report of the International Law Commission with regard to its long-term programme of work and the syllabus on the new topic annexed to the report.

The Assembly would encourage Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee — the so-called International Law Week — to enable high-level discussions on issues of international law.

The General Assembly would also invite the Commission to continue taking measures to enhance its efficiency and productivity and would encourage the Commission to continue taking cost-saving measures at its future sessions. Furthermore, it would approve the conclusions of the Commission regarding summary records of the Commission and reaffirm its previous decisions concerning the documentation and summary records of the International Law Commission.

In addition, the General Assembly would decide that the next session of the Commission will be held at the United Nations Office at Geneva from 2 May to 3 June and from 4 July to 5 August 2005.

The Sixth Committee adopted the draft resolution without a vote, and it is hoped that the General Assembly will do likewise.

Let me now turn to agenda item 145, "Report of the Committee on Relations with the Host Country". The report of the Sixth Committee on this item is contained in document A/59/511. The draft resolution

recommended to the Assembly for adoption is set out in paragraph 8 thereof.

Under the terms of the draft resolution, the Assembly would, inter alia, endorse the recommendations and conclusions of the Host Country Committee; consider that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities are in the interest of the Organization and all Member States; and request the host country to continue to solve, through negotiations, problems that might arise and to take all measures necessary to prevent any interference with the functioning of missions.

The Sixth Committee adopted the draft resolution without a vote. It is hoped that the Assembly will be in a position to do the same.

Allow me now to turn to the report of the Sixth Committee concerning agenda item 146, "International Criminal Court". The report is contained in document A/59/512. The draft resolution recommended to the General Assembly for adoption is found in paragraph 8 thereof.

Under the terms of the draft resolution, the Assembly would, inter alia, call upon all States that are not yet parties to the Rome Statute of the International Criminal Court to consider ratifying or acceding to it without delay and would encourage efforts aimed at promoting awareness of the results of the Rome Conference and the provisions of the Rome Statute.

Furthermore, the Assembly would express its appreciation to the Secretary-General for providing effective and efficient assistance in the establishment of the Court. The Assembly would also decide to include in the provisional agenda of its sixtieth session the item entitled "Report of the International Criminal Court", under which it would consider, with the Court invited to attend and participate, any report of the Court that may be submitted to the Assembly pursuant to article 6 of the Relationship Agreement between the United Nations and the International Criminal Court.

The Sixth Committee adopted the draft resolution without a vote and the Assembly may wish to do the same.

I now draw the attention of the Assembly to agenda item 147, "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". The report of the Sixth Committee on this item is contained in document A/59/513. The two draft resolutions recommended to the General Assembly for adoption are contained in paragraph 11 of the report.

By terms of draft resolution I, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", the General Assembly would, among other things, request the Special Committee, at its next session in 2005, to continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations.

The Special Committee would also be requested to continue to consider, on a priority basis, the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter and, also on a priority basis, to continue to consider ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation.

Furthermore, the Assembly would endorse the Secretary-General's efforts to eliminate the backlog of the *Repertoire of the Practice of the Security Council* and would request the Secretary-General to establish a trust fund to eliminate the backlog of the *Repertory of Practice of United Nations Organs*, which would accept voluntary contributions by States, private institutions and individuals. It would also request the Secretary-General to submit a report on both publications to the General Assembly at its sixtieth session.

By the provisions of draft resolution II, entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions", the Assembly would, inter alia, decide to consider, within the Sixth Committee or a working group of the Committee, at the Assembly's sixtieth session, further progress in the elaboration of effective measures aimed at the implementation of the provisions of the Charter related to assistance to third States affected by sanctions.

The Sixth Committee adopted these two draft resolutions without a vote. The Assembly may wish to do the same.

I now turn to agenda item 148, "Measures to eliminate international terrorism". The report of the Sixth Committee is contained in document A/59/514. The draft resolution recommended to the Assembly for adoption is set out in paragraph 11 thereof.

Under the terms of the draft resolution, the Assembly would, inter alia, strongly condemn all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed; remind States of their obligations under relevant international conventions and protocols and Security Council resolutions to ensure that perpetrators of terrorist acts are brought to justice; and urge States that have not yet done so to consider, as a matter of priority, and in accordance with Security Council resolutions 1373 (2001) and 1566 (2004), becoming parties to relevant conventions and protocols.

Furthermore, the Assembly would decide that the Ad Hoc Committee established pursuant to resolution 51/210 of 17 December 1996 would, on an expedited basis, continue to elaborate a draft comprehensive convention on international terrorism and resolve the outstanding issues relating to the elaboration of the draft international convention for the suppression of acts of nuclear terrorism. The Ad Hoc Committee would also keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. For these purposes, the Ad Hoc Committee would meet from 28 March to 1 April 2005, and if necessary, its work would also continue during the sixtieth session of the Assembly, within the framework of the Working Group of the Sixth Committee.

The Assembly would also request the Secretary-General to make a comprehensive inventory of the response of the Secretariat to terrorism as part of his report on measures to eliminate international terrorism.

The Sixth Committee adopted the draft resolution without a vote. It is hoped the Assembly will do the same.

I now turn to the report of the Sixth Committee on agenda item 149, "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel", contained in document A/59/515 and Corr.1. The draft resolution which the Sixth Committee recommends to the Assembly for adoption is set out in paragraph 10 of the report.

Under the terms of the draft resolution, the Assembly would, among other things, urge States to take all necessary measures, in accordance with their international obligations, to prevent crimes against United Nations and associated personnel from occurring, and to ensure that the perpetrators of such crimes are brought to justice.

The Assembly would recommend that the Secretary-General continue to seek inclusion of, and that the host countries include, key provisions of the Convention, in future as well as, if necessary, in existing status-of-forces, status-of-mission and host country agreements. It would further recommend that the Secretary-General, consistent with his existing authority, advise the Security Council or the General Assembly, as appropriate, where in his assessment circumstances would support a declaration of exceptional risk for the purposes of article 1 (c) (ii) of the Convention.

The next meeting of the Ad Hoc Committee established by General Assembly resolution 56/89 would be held from 11 to 15 April 2005. The Ad Hoc Committee's mandate would be to expand the scope of the legal protection under the Convention on the Safety of United Nations and Associated Personnel, including, inter alia, by means of a legal instrument.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to act likewise.

I now turn to agenda item 150, "International convention against the reproductive cloning of human beings". The report of the Committee is contained in document A/59/516, and the draft decision recommended by the Committee to the Assembly is to be found in paragraph 11 thereof. In accordance with the decision, a working group of the Sixth Committee, open to all Member States of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, would meet on 14, 15 and 18 February 2005 to finalize the text of a United Nations declaration on human cloning, on the basis of

draft resolution A/C.6/59/L.26, and report to the Sixth Committee during the current session. The Sixth Committee would meet in the afternoon of 18 February to consider and take action on the report of the working group. The Chairman of the Sixth Committee would be chairman of the working group and members of the Bureau of the Sixth Committee would serve as Friends of the Chairman.

The decision was adopted by the Sixth Committee without a vote and it is my hope that the Assembly will do the same.

I now turn to agenda item 151, "Observer status for the Shanghai Cooperation Organization in the General Assembly". The relevant report of the Committee is contained in document A/59/517, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the Assembly would decide to invite the Shanghai Cooperation Organization to participate in the sessions and the work of the General Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The draft resolution was adopted by the Sixth Committee without a vote, and I hope the Assembly will be in a position to do the same.

I now draw the attention of the Assembly to agenda item 152, "Observer status for the Southern African Development Community in the General Assembly". The relevant report of the Committee is contained in document A/59/518, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 8 thereof.

Under the terms of the draft resolution, the Assembly would decide to invite the Southern African Development Community to participate in the sessions and the work of the General Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The draft resolution was adopted by the Sixth Committee without a vote, and I hope the Assembly will act likewise.

I now invite your attention to agenda item 157, "Observer status for the Collective Security Treaty Organization in the General Assembly". The relevant report of the Committee is contained in document A/59/519, and the draft resolution recommended to the Assembly for adoption is found in paragraph 7 thereof.

Under the terms of the draft resolution, the Assembly would decide to invite the Collective Security Treaty Organization to participate in the sessions and the work of the General Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The draft resolution was adopted by the Sixth Committee without a vote, and I hope that the Assembly will do the same.

I now turn to agenda item 159, "Observer status for the Economic Community of West African States in the General Assembly". The relevant report of the Committee is contained in document A/59/520, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the Assembly would decide to invite the Economic Community of West African States to participate in the sessions and the work of the General Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The draft resolution was adopted by the Sixth Committee without a vote, and I hope that the Assembly will do the same.

I now draw your attention to agenda item 160, "Observer status for the Organisation of Eastern Caribbean States in the General Assembly". The relevant report of the Committee is contained in document A/59/521, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the Assembly would decide to invite the Organisation of Eastern Caribbean States to participate in the sessions and the work of the Assembly in the capacity of observer. It would also request the Secretary-General to take all the necessary action to implement the present resolution.

The draft resolution was adopted by the Sixth Committee without a vote, and I hope the Assembly will act likewise.

Finally, I turn to agenda item 162, "Observer status for the South Asian Association for Regional Cooperation in the General Assembly". The relevant report of the Committee is contained in document A/59/544, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the Assembly would decide to invite the South Asian Association for Regional Cooperation to participate in the sessions and the work of the Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The draft resolution was adopted by the Sixth Committee without a vote, and I hope the Assembly will be in a position to do the same.

This concludes my introduction to the reports of the Sixth Committee. I would like to take this opportunity to express my gratitude to the Chairman of the Sixth Committee, Ambassador Mohamed Bennouna, for his hard work and knowledgeable leadership provided to the Committee throughout this session. I also wish to thank the other members of the Bureau, Mr. Ram Babu Dhakal, Mr. Carlos Fernando Díaz Paniagua and Mr. Csaba Simon for their cooperation. Furthermore, I wish to extend my gratitude to Mr. Václav Mikulka, Secretary of the Committee, as well as to Ms. Mahnoush Arsanjani and Ms. Anne Fosty, Deputy Secretaries of the Committee, for the invaluable advice and assistance that they gave me, and for their pleasant company at the podium.

Finally, gratitude and deep appreciation are due to all delegates and colleagues for their indispensable contributions to the success of the session.

The Acting President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Sixth Committee which are before the Assembly today.

It was so decided.

The Acting President: Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendations of the Sixth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that explanations of vote are limited to 10 minutes — that is the absolute maximum — and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Sixth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Sixth Committee, unless the Secretariat is notified otherwise in advance.

I therefore hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Sixth Committee.

Agenda item 138

Nationality of natural persons in relation to the succession of States

Report of the Sixth Committee (A/59/504)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 59/34).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 138?

It was so decided.

Agenda item 139

Responsibility of States for internationally wrongful acts

Report of the Sixth Committee (A/59/505)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 6 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 59/35).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 139?

It was so decided.

Agenda item 140

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Sixth Committee (A/59/506)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 59/36).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 140?

It was so decided.

Agenda item 141

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Sixth Committee (A/59/507)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 59/37).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 141?

It was so decided.

Agenda item 142

Convention on jurisdictional immunities of States and their property

Report of the Sixth Committee (A/59/508)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 9 of its report. We will now take a decision on that draft resolution, entitled "United Nations Convention on Jurisdictional Immunities of States and Their Property".

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 59/38).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 142?

It was so decided.

Agenda item 143

Report of the United Nations Commission on International Trade Law on the work of its thirty-seventh session

Report of the Sixth Committee (A/59/509)

The Acting President: The Assembly has before it two draft resolutions recommended by the Sixth Committee in paragraph 10 of its report. We will now take a decision on draft resolutions I and II.

Draft resolution I is entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-seventh session". The Sixth Committee adopted draft resolution I without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 59/39).

Draft resolution II is entitled "Legislative Guide on Insolvency Law of the United Nations Commission on International Trade Law". The Sixth Committee adopted draft resolution II without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 59/40).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 143?

It was so decided.

Agenda item 144

Report of the International Law Commission on the work of its fifty-sixth session

Report of the Sixth Committee (A/59/510)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 8 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 59/41).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 144?

It was so decided.

Agenda item 145

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee (A/59/511)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 8 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 59/42).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 145?

It was so decided.

Agenda item 146

International Criminal Court

Report of the Sixth Committee (A/59/512)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 8 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 59/43).

The Acting President: Two delegations have asked to speak in explanation of vote on the resolution just adopted.

Ms. Moore (United States of America): For reasons well known to this body, the United States

must disassociate itself from the consensus on this resolution.

Mr. Van den Berg (Netherlands): I speak on behalf of the European Union. The candidate countries Bulgaria, Romania, Turkey and Croatia, the country of the Stabilization and Association Process and potential candidate Serbia and Montenegro, and the European Free Trade Association (EFTA) countries Liechtenstein and Norway, members of the European Economic Area, align themselves with this declaration.

The European Union welcomes the adoption of the draft resolution on the International Criminal Court (ICC) by the Sixth Committee without a vote and welcomes its adoption by the General Assembly in the same manner. We consider it essential that the ICC remain on the agenda of the General Assembly, certainly now that the Relationship Agreement between the United Nations and the ICC has entered into force. The Relationship Agreement must now be translated into practical cooperation, the process of which the European Union will promote and closely follow.

We also support the continuing exchange of information between the Court and the General Assembly. That exchange will also happen through annual reports on the Court's activities, which will be submitted to the regular session of the Assembly. Also, it is important to note that the Court will participate, as an observer, in the work of the General Assembly, including in the debates on the reports. The resolution reaffirms the observer status of the ICC to the General Assembly.

The European Union has relentlessly defended the integrity of the Rome Statute and will continue to do so. The ICC is beyond doubt the most significant recent development in the long struggle to advance the cause of justice and rule of law, thereby eradicating impunity. The European Union reaffirms its determination to obtain the widest possible international support for the ICC, inter alia, by widening adherence to the Rome Statute — whose signatories now comprise more than half of the United Nations membership — and to the Agreement on the Privileges and Immunities of the ICC.

At times, concerns about the Court are still voiced. Those concerns are unfounded; the Rome Statute provides all necessary safeguards against the use of the Court for politically motivated purposes. The Rome Statute contains the most comprehensive list of due process protections which has thus far been promulgated. Its prosecutors and judges are selected by and from countries committed to justice, human rights and democracy.

The Rome Statute, together with the Elements of Crime, defines the crimes falling under the Court's jurisdiction — genocide, war crimes and crimes against humanity — with an amount of clarity and precision unmatched by the statute of any other tribunal. The Court s jurisdiction is only complementary to national criminal jurisdictions, and the Rome Statute limits the ICC to the most serious crimes of concern to the international community as a whole. The Court may assume jurisdiction only when a State is unable or unwilling to do so. The European Union is satisfied that the ICC establishes the highest standards of competence, fairness, due process and international justice and will continue to endeavour to secure those standards.

Among others, the European Union has developed a set of principles to serve as guidelines for Member States when drafting bilateral agreements defining the conditions under which persons will be surrendered to the Court. The European Union will continue to draw attention to those guiding principles. The guidelines provide, inter alia, for the following.

First, given the scope of existing international agreements, such as the status-of-forces agreements and agreements on legal cooperation on criminal matters, including extradition, new agreements often serve no legal purpose. This should be taken into account.

Secondly, the agreements that were presented to us as drafted by the United States are inconsistent with obligations of States parties to the ICC with regard to the ICC Statute, and possibly also with regard to other international agreements to which ICC States parties are also parties.

Thirdly, the scope of persons covered by such agreements must not be excessive. It must be limited to persons who have actually been sent by a State on official business. That means that no private business people or mere tourists would be subject to adjudication.

Fourthly, agreements should contain a sunset clause.

Last and most importantly, such agreements should not result in impunity.

The European Union, in line with its Council Common Position on the International Criminal Court and its Action Plan, stands ready to help those States that might need assistance in ensuring that crimes falling within the jurisdiction of the Court do not enjoy impunity.

The European Union expresses the hope that the United States will continue to work together with its allies and partners in developing effective and impartial international justice. To that end, the European Union remains available to develop a broader dialogue on all matters relating to the ICC, including future relations between the United States and the Court.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 146.

Agenda item 147

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee (A/59/513)

The Acting President: The Assembly has before it two draft resolutions recommended by the Sixth Committee in paragraph 11 of its report. We will now take a decision on draft resolutions I and II.

We turn first to draft resolution I, entitled, "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". The Sixth Committee adopted draft resolution I without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 59/44).

The Acting President: Draft resolution II is entitled, "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions". The Sixth Committee adopted draft resolution II without a vote. May I again take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 59/45).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 147?

It was so decided.

Agenda item 148

Measures to eliminate international terrorism

Report of the Sixth Committee (A/59/514)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 11 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 59/46).

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 148.

Agenda item 149

Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

Report of the Sixth Committee (A/59/515 and Corr.1)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 10 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 59/47).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 149?

It was so decided.

Agenda item 150

International convention against the reproductive cloning of human beings

Report of the Sixth Committee (A/59/516)

The Acting President: I should like to inform members that action on the draft decision recommended by the Sixth Committee in paragraph 11 of its report is postponed to a later date to allow time for the review of its programme budget implications by the Fifth Committee. The Assembly will take action on the draft decision as soon as the report of the Fifth Committee on its programme budget implications is available.

Agenda item 151

Observer status for the Shanghai Cooperation Organization in the General Assembly

Report of the Sixth Committee (A/59/517)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report.

We will now take a decision on the draft resolution. The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 59/48).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 151?

It was so decided.

Agenda item 152

Observer status for the Southern African Development Community in the General Assembly

Report of the Sixth Committee (A/59/518)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 8 of its report.

I give the floor to the representative of the Seychelles on a point of order.

Mr. Bonnelame (Seychelles): It has just come to my attention that Seychelles is listed in paragraph 1 as a member of the Southern African Development Community (SADC). This must be an error, as Seychelles is no longer a member of SADC. I wanted to bring this matter to the attention of the Assembly.

The Acting President: I assure the Permanent Representative of Seychelles that the error will be corrected.

We will now take a decision on the draft resolution. The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 59/49).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 152?

It was so decided.

Agenda item 157

Observer status for the Collective Security Treaty Organization in the General Assembly

Report of the Sixth Committee (A/59/519)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 59/50).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 157?

It was so decided.

Agenda item 159

Observer status for the Economic Community of West African States in the General Assembly

Report of the Sixth Committee (A/59/520)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 59/51).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 159?

It was so decided.

Agenda item 160

Observer status for the Organisation of Eastern Caribbean States in the General Assembly

Report of the Sixth Committee (A/59/521)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 59/52).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 160?

It was so decided.

Agenda item 162

Observer status for the South Asian Association for Regional Cooperation in the General Assembly

Report of the Sixth Committee (A/59/544)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 59/53).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 162?

It was so decided.

Agenda item 161

Andean Zone of Peace

Draft resolution (A/59/L.20/Rev.1)

The Acting President: I give the floor to the representative of Peru to introduce draft resolution A/59/L.20/Rev.1.

Mr. De Rivero (Peru) (*spoke in Spanish*): I have the honour to address the General Assembly on behalf of the member States of the Andean Community — Bolivia, Colombia, Ecuador, Peru and Venezuela — in order to submit for consideration by the plenary draft resolution A/59/L.20/Rev.1, entitled "Andean Zone of Peace".

The Andean Zone of Peace was established by the presidential Declaration of San Francisco de Quito on 12 July 2004 and covers the territories, airspace and waters under the sovereignty of the Andean countries. It is the result of one of the most advanced processes aimed at bringing about a genuine area of peace and security on the American continent.

The Andean Zone of Peace is the culmination of important processes aimed at strengthening security in the Andean subregion, such as the Lima Commitment of 17 June 2002 on the limitation, control and transparency of expenditures related to conventional weapons; the "Andean Plan to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects" of June 2003; and decision 587 of July 2004, containing the Andean Common External Security Policy Guidelines.

The main objectives of the Andean Zone of Peace are the following: first, to prohibit weapons of mass destruction and their transit through the subregion, as well as the definitive eradication of anti-personnel landmines; secondly, to design and implement an Andean programme aimed at confidence-building and strengthening security; thirdly, to promote the participation of Andean countries in United Nations peacekeeping operations; fourthly, to ensure compliance with the prohibition of the use or threat of use of force between Member States; and, fifthly, to promote the prevention and the peaceful resolution of conflicts, whatever their nature.

The draft resolution is the outcome of negotiations among the five Andean countries and those delegations that have made suggestions in order to improve the text.

Finally, I would like to take this opportunity to make a slight oral amendment to the text of the draft resolution. It has to do with a mistake that was made in the translation into English of the original Spanish text. In the fifth preambular paragraph in the English version, in the third line, we should include the word "overcoming" before the word "poverty" and then delete the word "eradication", so the sentence would then read "Overcoming poverty, social exclusion and inequity".

Having said this, given that the new zone of peace coincides fully with the principles and objectives that form the very foundation of the Charter of the United Nations, I would ask the General Assembly, on behalf of the Andean countries, to recognize this peace initiative and to approve it by consensus.

Ms. Holguín (Colombia) (*spoke in Spanish*): It is an honour for me to address the plenary at the fifty-ninth session of the General Assembly with regard to agenda item 161, whose inclusion in the agenda was requested by Peru.

My country, along with Bolivia, Ecuador, Peru and Venezuela, is a sponsor of draft resolution A/59/L.20/Rev.1 which welcomes the Declaration of San Francisco de Quito on the Establishment and Development on the Andean Zone of Peace, signed on 12 July 2004. In this Declaration, our Presidents agreed to establish a zone of peace in the Andean Community with precise objectives and concrete guidelines.

The Declaration recognizes that peace, security, the full force of democracy and the rule of law are necessary conditions to reach higher levels of political, economic and social development in our countries. Therefore agreements such as the Andean Common External Security Policy are fundamental parts of our integration process. We are also committed to designing and implementing an Andean Programme for Security and Confidence-Building.

Colombia welcomes the definitive solution to territorial disputes among the countries of our subregion, which has allowed us to make the Declaration on the Andean Zone of Peace. Nevertheless, our democratic stability and the integrity of the political, economic and social structures of our countries still face grave threats like the illicit drugs problem; terrorism, corruption and extreme poverty. That is why we are working together to strengthen our democracies with the ongoing promotion and defence of the rule of law, human rights and the sustainable and equitable development of our peoples. Together, we will be able to achieve success in the struggle against transnational threats.

Among the objectives of the Andean Zone of Peace that we hope the General Assembly will welcome today, we included the ban on the use or threat to use force between member States, as well as the consolidation of a democratic, cooperative and non-offensive conception of security in our subregion. For the Government of Colombia, committed to the implementation of a democratic security and defence strategy to fight terrorism and the world illicit drug problem that finance it, cooperation from the international community and the Andean subregion is fundamental. That is why we underline the Declaration's commitment to develop and strengthen legal, judicial and police cooperation with the goal of contributing to create a common space for citizens' security and justice.

Colombia contributes to the Andean Zone of Peace with a democratic defence and national security strategy that aims to consolidate the rule of law and to guarantee the human rights of all Colombians. This includes our farmers, so that they are not forcefully displaced from their land; our businessmen, so that they are not victims of kidnapping; our journalists, so that they are not threatened; our labour leaders, so that they can exercise their action freely; and our human rights defenders, so that they can work without intimidation. The democratic security policy protects all citizens of a pluralist nation, open to fraternal and creative debate, that counts on the solidarity of its Andean brothers in its fight against violence and terrorism.

Today we welcome the Andean Zone of Peace as a firm commitment in the fight against threats to the security of our States, as well as the consolidation of the fraternal and cooperative relations that exist among our peoples and governments — a commitment for action, coordination, and concerted common strategies in order to face serious threats to the security of our countries and the stability of our region together.

Therefore, I would like to conclude this speech by underlining the fundamental role that regional and subregional organizations can play in maintaining international peace and security, as well as in achieving the economic and social development of the peoples of the world. Today, when many doubt the effectiveness of multilateralism to face the threats and challenges of the twenty-first century it is enough to take a look at regional and subregional organizations around the globe to see that multilateralism maintains its full force and that States' commitment in strengthening it should be progressively stronger.

I call upon the United Nations to recognize and make use of regional and subregional organizations' exceptional capacity to contribute to building a more pacific and just international scenario, where security and development are achieved to face successfully threats and challenges of today's world. Regional and subregional organizations, taking into account the spirit of harmony and understanding among their member States, their geographic proximity and common values, are exceptional forums for widening and strengthening cooperation, solving conflicts and mobilizing regional solidarity on fundamental topics. The Organization of American States (OAS) and the Andean Community are good examples in our hemisphere of the potential of regional and subregional organizations.

Ms. Núñez de Odremán (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The fifteenth Andean Presidential Council, which brought together Colombia, Ecuador, Peru and my country, the Bolivarian Republic of Venezuela, instructed the Foreign Ministers of our countries, through the mandate of the Declaration of San Francisco de Quito, to include an additional subject on the agenda of the fifty-ninth session of the General Assembly, namely, the Andean Zone of Peace. The progress in this peace process between our countries is a further link in our path towards reciprocal peace and security, which strengthens the harmonious development of the community and protects us from threats to our security and vulnerability to our territories and peoples.

In this respect, it also represents a contribution to overcoming poverty. It promotes social inclusion and therefore constitutes an adequate environment to overcome social injustices. Likewise, it also helps to promote trust between our peoples, to improve coordination of activities and it will facilitate the adoption of specific measures to solve subregional conflicts, whatever be their nature or cause.

We consider that this initiative of the Andean Zone of Peace is part of a complementary process to the Treaty of Tlatelolco, as well as other important disarmament measures to which Venezuela is a party and which have as their basis the Charter of the United Nations and the Charter of the Organization of American States.

Finally, I would like to thank the President for having included this subject on the General Assembly agenda. We would also like to point out that the provisions contained in the draft resolution are only binding on the parties involved, and we therefore hope that the resolution can be adopted by consensus.

Mr. Araníbar Quiroga (Bolivia) (*spoke in Spanish*): Allow me, on the occasion of the adoption of the draft resolution on the Andean Zone of Peace, to refer to the Declaration of San Francisco de Quito on the Establishment and Development of the Andean Zone of Peace, adopted on 12 July 2004 by the Presidents of Bolivia, Colombia, Ecuador, Peru and Venezuela within the framework of the fifteenth Meeting of the Andean Presidential Council.

The idea of establishing nuclear-weapon-free zones, zones of peace and denuclearized zones has been gaining favour among many States of the international community and has spread to various regions of the world. It has travelled beyond national borders and crossed oceans and seas, taking root on various continents, regions and subregions in a sort of chain reaction that continues to spread until the process is complete.

This ambition seems consonant with the goal of general and complete disarmament, as it is guided by the innate desire of human beings to live in genuine peace and security, to eradicate the scourge of war and to free up economic, intellectual and other resources for peaceful pursuits and the needs of development.

This concern is not foreign to the American continent. It was expressed clearly on 29 April 1963, when Bolivia, together with Brazil, Chile, Ecuador and Mexico, issued a declaration proclaiming their readiness to sign a multilateral agreement establishing a nuclear-weapon-free zone with the aim of reducing the threat of nuclear war. Without doubt, the subsequent adoption of the Tlatelolco Treaty in 1967, which declared Latin America and the Caribbean to be a nuclear-weapon-free zone, constituted the first link in the chain. In that context, we note with satisfaction that its message has spread. Nuclear-weapon-free zones, zones of peace and denuclearized zones, although they have different specific strategic meanings, are all aimed at achieving similar objectives and respond to an issue of great interest in the prevailing world situation.

It is useful to note the opinion of United Nations experts responsible for studying this question, who have said that the establishment of zones of peace and nuclear-weapon-free zones should not be considered an end in itself; rather, it should be seen as ways of achieving the objective of general and complete disarmament in order to ensure genuine peace and international security. Our new, multidimensional concept of security should guide us, within the framework of respect for international law, the protection of human rights and the defence of democracy, which are enshrined in the Charter of the United Nations and the charter of the Organization of American States.

A clear threat to the legally elected Governments of our region is posed by disturbing phenomena characteristic of the international situation today, namely, the increase in armed conflicts, terrorist acts and trafficking in human beings and arms, as well as the increase in transnational organized crime, drug trafficking and money laundering.

In that context, the establishment of the Andean Zone of Peace marks an important milestone in the strengthening and the deepening of Andean and South American integration and reflects the common will of Bolivia, Colombia, Ecuador, Peru and Venezuela to prohibit not only nuclear, chemical, biological and toxin weapons and their transit through the airspace and the waters under their respective sovereignty and jurisdiction, but also to carry out the total eradication of anti-personnel mines.

The Andean Zone of Peace represents the consolidation of initiatives previously undertaken in the area of security, such as the 1989 Galapagos Declaration, the 2002 Lima Commitment, the Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects of June 2003 and Decision 587 of July 2004, containing the Andean Common External Policy guidelines. The countries of the Andean Zone of Peace will continue their efforts to prevent and combat threats to security, strengthen and revitalize democracy, enhance cooperation for integrated development and continuously seek a more just and equitable international order.

Bolivia, from a perspective of integration consistent with its peace-oriented foreign policy guidelines, has sought to unite its efforts with those of Colombia, Ecuador, Peru and Venezuela to establish the Andean Zone of Peace, convinced that peace, democratic stability and collective security will have a positive impact on the entire process of South American integration.

We believe it important to make progress in education for peace and disarmament and in the promotion of a democratic culture, with the aim of creating conditions that will help us achieve our historical aspirations and thus overcome problems that continue to negatively impact the comprehensive development of the subregion and the establishment of true multilateralism.

In conclusion, I would like to underline that in order to effectively consolidate the Andean Zone of Peace, it is absolutely necessary to make progress in overcoming poverty and inequality and to find peaceful solutions to disputes, demonstrating through our

actions that peace and security are an essential part of the process of subregional integration and, from the broader perspective of a renewed and emerging reality, of South American integration.

My country therefore urges the General Assembly to adopt by consensus draft resolution A/59/L.20/Rev.1, introduced by the member States of the Andean Community.

Mr. Calderón (Ecuador) (*spoke in Spanish*): My delegation would like to take this occasion to refer to the Declaration of San Francisco de Quito on the Establishment and Development of the Andean Zone of Peace, adopted in the city of Quito, Ecuador, on 12 July 2004, by the heads of State of the member countries of the Andean Community within the framework of the fifteenth Meeting of the Andean Presidential Council. We stress the importance that Ecuador attaches to the zone of peace that the Declaration created in the sovereign areas of Bolivia, Colombia, Ecuador, Peru and Venezuela.

It is evident that the Andean countries, conscious of their common history and the similar challenges they face in the current situation of the international community, and in a clear demonstration of their firm belief that peace and security constitute the foundations for development, stability and the rule of law, deem it essential to further strengthen the South American zone of peace and cooperation approved by the Presidents of South America at their second meeting, in Guayaquil, Ecuador on 27 July 2002, which was subsequently welcomed by the General Assembly in its resolution 57/13 of 14 November 2002.

Ecuador is convinced that the Andean nations will be able to contribute to the economic development and the overall well-being of their peoples on the basis of a clear political will to work with one accord to strengthen the climate of mutual trust and to consolidate a zone of peace free of weapons of mass destruction, that prohibits transit of those weapons through the region, a zone free of anti-personnel mines. We will work to achieve transparency and the gradual limitation in the acquisition of weapons.

Ecuador is allied with those nations that cherish peace and international law. Its foreign policy is guided by the principles laid down in article 4 of its Constitution, among which I note those pertaining to the legal equality of States, the condemnation of the use or the threat of the use of force as a means of resolving conflicts, the disavowal of claiming a legal basis for the spoils of war, the recognition that international law constitutes a standard of conduct for relations among States, the promotion of the settlement of disputes by legal and peaceful means, and peace and cooperation as the basis of coexistence among nations.

Conscious of its responsibilities as a member of the United Nations, the Organization of American States and the Andean Community, Ecuador stands ready, with profound conviction and determination, to contribute to the best of its ability to the maintenance of peace and security in the Andean subregion, in South America and throughout the world.

As the heads of State of the Rio Group declared on 5 November at the conclusion of the summit of Rio de Janeiro, only a multilateral approach to global problems and threats to international peace and security and full respect for international law will enable us, with a new spirit of international cooperation, to achieve peace, development and social inclusion.

Draft resolution A/59/L.20/Rev.1, submitted today for consideration, stresses in its preambular part the progress that the members of the Andean Community of nations have achieved in matters of security, peace and confidence-building, as reflected in Decision 587 of the Andean Council of Foreign Affairs Ministers, entitled, the "Andean Common External Security Policy Guidelines", and in decision 552, comprising the "Andean plan to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects". As stressed in the eighth preambular paragraph of draft resolution A/59/L.20/Rev.1, this is the first binding subregional instrument derived from the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, adopted in 2001.

My country is convinced that the Andean Zone of Peace, as stated in the sixth preambular paragraph of the draft resolution, represents efforts aimed at

> "promoting growing commonality among Governments, public opinion, political parties and civil society with regard to widely shared objectives and values",

and it will help to promote a broadening of the already very many possibilities existing in the different areas of cooperation between the Andean nations. On the

basis of mutual trust and respect, it will enable us to join efforts to face the challenges of development in an increasingly interdependent and globalized world, and it will assure our peoples of a present and a future that is full of well-being and prosperity.

Likewise, we feel that the Andean Zone of Peace will help us to promote the principles and norms of international law enshrined in the United Nations Charter and in the Charter of the Organization of American States.

That is why, given my country's deeply felt peaceful vocation and as a firm defender of the Charter of this world Organization, we will do everything possible to strengthen the Andean Zone of Peace and to firmly contribute to the preservation of peace, security and trust, not only in the Andean region, but also at the regional, hemispheric and global levels.

In conclusion, my delegation, true to the steadfast principles that govern our relations with other States, would like to reiterate our support and renew our commitment to the peaceful settlement of conflicts.

We call upon United Nations Member States to support and adopt draft resolution A/59/L.20/Rev.1. on the Andean Zone of Peace, submitted for the consideration of delegations today, so that they can contribute to and cooperate with the objectives established in the Declaration of San Francisco de Quito on the Establishment and Development of the Andean Zone of Peace, adopted in Quito, on 12 July 2004.

Mr. Garza (United States of America): The United States welcomes the aim of the Andean States to establish an Andean Zone of Peace to promote their peaceful coexistence, their self-determination and their freedom. We recognize the principles outlined in the Declaration of San Francisco de Quito as a first step towards establishing the parameters of this Zone of Peace.

We understand that an Andean Zone of Peace would be fully consistent with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the Treaty of Tlatelolco, to which all prospective Andean Zone of Peace members are parties, other applicable international agreements and international law, particularly customary international law of the sea.

I wish to commend all the Missions involved in putting together this draft resolution and the exceptional work and coordination they have done to reach a consensus.

The Acting President: We have heard the last speaker in the debate on this item.

The Assembly will now take a decision on draft resolution A/59/L.20/Rev.1, as orally revised.

May I take it that the Assembly decides to adopt draft resolution A/59/L.20/Rev.1, as orally revised?

Draft resolution A/59/L.20/Rev.1, as orally revised, was adopted (resolution 59/54).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 161?

It was so decided.

Agenda item 12 ***(continued)***

Report of the Economic and Social Council

The Acting President: The General Assembly will resume its consideration of agenda item 12, entitled "Report of the Economic and Social Council". Members will recall that the Assembly held a debate on this agenda item, together with agenda item 41, at its 41st plenary meeting on 26 October 2004.

In connection with this item, the General Assembly has before it a draft resolution issued as document A/59/L.27/Rev.1.

I give the floor to the representative of Honduras to introduce draft resolution A/59/L.27/Rev.1.

Mr. Suazo (Honduras) (*spoke in Spanish*): I speak before this Assembly on behalf of the sponsors of the draft resolution contained in document A/59/L.27/Rev.1, entitled "Public administration and development" under agenda item 12. The draft resolution has been prepared taking into account the report presented to the Assembly by the Secretary-General in document A/59/346.

The sponsors believe that good administration of public services, an efficient public administration that is modern and able to use the benefits of existing information technology — in fact, using them for the good of the people today — is an essential tool for

development and for the achievement of the Millennium Development Goals (MDGs).

Bearing this in mind, the draft resolution traditionally would have been prepared and considered in the General Assembly's Second Committee. However, in bringing the report of the Economic and Social Council to the General Assembly for consideration in plenary, this and another subject were left out of the Second Committee's programme of work. Moreover, the Secretary-General's report was submitted to the Assembly.

This is a draft resolution that is traditionally adopted by consensus by Member States in the Second Committee, and we hope that on this occasion the text presented will be approved in the same way in plenary. With a view to reaching consensus, I would like to tell Members that we have at the last minute made two slight editorial changes to the text of the draft resolution contained in A/59/L.27/Rev.1. The first change refers to operative paragraph 7: insert the word "and" after "23 July 2004" and delete everything following "resolution 58/231".

In operative paragraph 8, we are going to make three deletions. First at the start, delete "comprehensive" where it appears before "report". Then, in the last clause, with regard to the phrase "to ensure that the major findings of that report" delete the words "major" and "of that report".

The corrected paragraphs would then read as follows. Operative paragraph 7 would read:

> "Also requests the Secretary-General to focus the work on public administration along the lines of Economic and Social Council decision 2004/302 of 23 July 2004 and General Assembly resolution 58/231,".

Operative paragraph 8 would read:

> "Further requests the Secretary-General to submit a report to the General Assembly at its sixtieth session on progress made in Member States by revitalizing public administration during the last ten years, since the resumed fiftieth session of the General Assembly, on public administration and development, and to ensure that the findings are brought to the attention of Member States on the occasion of the special event in 2005".

The sponsors hope that the draft resolution can be adopted by consensus. That would enable us to follow up on the recommendations of the Secretary-General to prepare to commemorate the tenth anniversary of the resumed fiftieth session of the General Assembly, on public administration and development, in keeping with the principles agreed at that session.

I am pleased to announce that the delegation of Chile has joined the list of sponsors of this draft resolution.

The Acting President: The Assembly will now take a decision on draft resolution A/59/L.27/Rev.1, entitled "Public administration and development", as orally revised.

May I take it that the Assembly decides to adopt draft resolution A/59/L.27/Rev.1, as orally revised?

Draft resolution A/59/L.27/Rev.1, as orally revised, was adopted (resolution 59/55).

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 12.

Agenda item 39 (*continued*)

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

(c) Assistance to the Palestinian people

Draft resolution (A/59/L.24)

The Acting President: Members will recall that the Assembly already held the debate on agenda item 39 and its sub-items (a) and (c) at its 51st and 52nd plenary meetings, on 11 November 2004.

I give the floor to the representative of the Netherlands to introduce draft resolution A/59/L.24.

Mr. Van Loosdrecht (Netherlands): Before introducing draft resolution A/59/L.24, I should like to announce that, since the publication of the draft resolution, the following countries have joined the list of sponsors: Bulgaria, Canada, Croatia, Cuba, Iceland, Japan, Liechtenstein, Mali, New Zealand, Norway, the Russian Federation, South Africa and the United States of America.

I have the honour to speak on behalf of the European Union and to introduce the draft resolution entitled "Assistance to the Palestinian people". Under this draft resolution, Member States, international financial institutions and intergovernmental and non-governmental organizations would be urged to extend economic and social assistance to the Palestinian people as rapidly as possible. Moreover, by adopting this draft resolution, the Assembly would express its appreciation for the work of the Secretary-General and his staff in the field of humanitarian assistance and in the Middle East peace process.

As the drafter of this document, the European Union inadvertently deleted a paragraph that we would like to see reintroduced. Therefore, I would like to make the following revision to the draft resolution. After operative paragraph 1, we would like to reintroduce a paragraph that appeared last year. The paragraph reads:

> "Also takes note of the report of the Personal Humanitarian Envoy of the Secretary-General on the humanitarian conditions and needs of the Palestinian people;".

Apart from that, the European Union has no other revisions to this text.

It is our sincere hope that this draft resolution can be adopted unanimously, as it has been several times in the past.

The Acting President: The Assembly will now take a decision on draft resolution A/59/L.24, as orally revised.

May I take that the Assembly decides to adopt draft resolution A/59/L.24, as orally revised?

Draft resolution A/59/L.24, as orally revised, was adopted (resolution 59/56).

The Acting President: I shall now call on those representatives who wish to speak in explanation of position on the resolution just adopted. May I remind delegations that explanations of position are strictly limited to 10 minutes and should be made by delegations from their seats.

Mr. Cohen (Israel): Israel voted in favour of the draft resolution as a demonstration of its continued support for humanitarian assistance to the Palestinian people. In exceedingly difficult security conditions, Israel continues to do all that it can to help the Palestinian people meet their humanitarian needs. While difficulties remain, we have consistently worked to permit the flow of food, medicine, humanitarian assistance and other necessities to Palestinian areas to the greatest extent possible.

We are pleased to say that this year, revenues have been transferred from Israel to the Palestinian Authority on schedule each month and account for $50 million monthly. Israel is developing a much more efficient working relationship with humanitarian organizations and with relevant Palestinian authorities on the ground. The number of roadblocks has been considerably reduced, and new operating procedures have been instituted to speed the transfer of humanitarian shipments and ambulances as well as the movement of people and goods. In addition, the implementation of the Israeli Government disengagement plan will help stabilize and improve the security and humanitarian situation for both peoples and, it is to be hoped, will jump-start the peace process.

Helping to end suffering and working to improve the security, welfare and prosperity of all peoples in the Middle East are crucial components of successful peace initiatives and primary objectives of the Israeli Government. Israel welcomes the efforts by Member States and international agencies to ease the hardship of innocent civilians and endeavours to facilitate humanitarian work to improve the living conditions of Palestinians in the West Bank and the Gaza Strip. At the same time, for such humanitarian work to be effective, it is important that it be properly coordinated with the relevant authorities and that organizations not operate without a clear mandate and agreed terms of reference.

We would reaffirm the importance of recognizing that terrorist activity by Palestinian groups endangers both Israeli and Palestinian civilians and has a direct negative impact on humanitarian assistance and on the capacity of humanitarian workers to do their job effectively and safely. Israeli security measures are made necessary by that ongoing terrorist activity, and the humanitarian situation cannot be properly considered without an appreciation of the context that has compelled Israel to adopt those defensive measures. We also believe that the issue of humanitarian assistance is one that should be devoid of selectivity and politicization.

Israel's decision to join the consensus on this resolution is a reflection of its support for humanitarian assistance to the Palestinian people. It should not be construed as implying an endorsement of certain terms that appear in the text that are not consistent with the language used in the agreements between the parties or their spirit. We would also stress the need to acknowledge the fact that civilians on both sides, Israeli and Palestinian, are suffering, and the importance of working to ensure that both sides live in security and dignity, free from violence and fear.

Ultimately, the well-being of both Palestinian and Israeli civilians will come from the mutual implementation of obligations, from mutual recognition and from mutual compromise in accordance with the road map process. As recognized by many States over the past few days in this Hall, there is now a window of opportunity in the Middle East. We are hopeful that with responsible leadership, effective institutions and a commitment to end violence and terrorism and promote peaceful coexistence, Israelis and Palestinians can work together to ensure peace and security and bring better living conditions to both our peoples.

The Acting President: We have heard the only speaker in explanation of vote after the vote. May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (c) of agenda item 39?

It was so decided.

Agenda item 55 (*continued*)

Follow-up to the outcome of the Millennium Summit

Draft resolution (A/59/L.38)

The Acting President: Members will recall that the General Assembly held its debate on this agenda item, together with agenda item 45, at the 58th to 60th plenary meetings, on 22 and 23 October 2004. In connection with this item, the Assembly has before it a draft resolution, issued as document A/59/L.38. I give the floor to the representative of the United Republic of Tanzania to introduce draft resolution A/59/L.38.

Mr. Ng'ongolo (United Republic of Tanzania): I have the honour, on behalf of the Governments of Finland and the United Republic of Tanzania, as the main sponsors, to introduce to the General Assembly draft resolution A/59/L.38, entitled "*A Fair Globalization: Creating Opportunities for All*; report of the World Commission on the Social Dimension of Globalization". Since the publication of the draft resolution, the following countries have joined the list of sponsors: Algeria, Brazil, Croatia, the Gambia, Iceland, Lebanon, Madagascar, Malta, Monaco, Nepal, Norway, Peru, Romania, Switzerland, Thailand, Tunisia, Turkey, Uruguay, Zambia and the countries of the European Union. We wish to thank all countries for their support.

The World Commission on the Social Dimension of Globalization was co-chaired by the President of Finland, Her Excellency Tarja Halonen, and the President of the United Republic of Tanzania, His Excellency Benjamin William Mkapa, and facilitated by the International Labour Organization. It may be recalled that the report was launched by the two Presidents here at the United Nations on 20 September 2004. The Governments of Finland and the United Republic of Tanzania and the other sponsors decided to table this draft resolution in order to ensure that the proposals and recommendations contained in the report of the World Commission will enjoy continued discussion and implementation in United Nations organs and bodies, the United Nations system of organizations, Member States and the international community as a whole.

The preambular paragraphs of the draft resolution recall and reaffirm the commitment in the Millennium Declaration to ensure that globalization benefits the entire world, and that there is greater policy coherence and better cooperation between the United Nations, its agencies, the Bretton Woods institutions and other multilateral bodies. The preambular paragraphs further recognize the contribution of the implementation of the commitments agreed in the outcomes of the major United Nations conferences and summits in the eradication of poverty, achieving sustained economic growth and promoting sustainable development, as well as in advancing towards a fully inclusive and equitable globalization.

In the operative paragraphs, the draft resolution takes note of the World Commission's report as a contribution towards achieving an inclusive and equitable process of globalization. Essentially, it decides to consider the report within the framework of the follow-up to the outcome of the Millennium Summit and the integrated and coordinated follow-up

to the major United Nations conferences and summits in economic and social fields.

Furthermore, the draft resolution calls on all United Nations organs and bodies, organizations of the United Nations system and all Member States to consider the report of the World Commission. It invites the organizations of the United Nations system and other relevant multilateral bodies to provide information to the Secretary-General on their activities to promote an inclusive and equitable globalization in line with the Millennium Declaration.

Finally, the draft resolution requests the Secretary-General to take the report of the World Commission into account in his comprehensive report for the 2005 review of the Millennium Summit and to present it at the sixtieth session of the General Assembly.

Once again, on behalf of the Governments of Finland and the United Republic of Tanzania, and on my own behalf, we wish to express our sincere and heartfelt gratitude to all delegations that participated constructively in the process of negotiation. Their cooperation and forward-looking attitudes have made it possible for this draft resolution to be tabled before this body.

The Acting President: The Assembly will now take a decision on draft resolution A/59/L.38, entitled "*A Fair Globalization: Creating Opportunities for All*; report of the World Commission on the Social Dimension of Globalization". May I take it that the Assembly decides to adopt draft resolution A/59/L.38?

The draft resolution was adopted (resolution 59/57).

The Acting President: Before giving the vote to the speaker in explanation of position after adoption, may I remind delegations that explanations of vote are strictly limited to ten minutes and should be made by delegations from their seats.

Mrs. Núñez de Odremán (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela would like to be part of the consensus on draft resolution A/59/L.38, entitled "*A Fair Globalization: Creating Opportunities for All*; report of the World Commission on the Social Dimension of Globalization". However, the Bolivarian Republic of Venezuela considers that globalization to date, rather than providing opportunities to develop economies or improve the living standards in developing countries, has contributed to the polarization between rich and poor countries and to the intensifying of social exclusion, and the consequent poverty and hunger, of the people.

The Acting President: We have heard the only speaker in explanation of position after the vote. The General Assembly has thus concluded this stage of its consideration of agenda item 55.

Programme of work

The Acting President: Before concluding our meeting, I would like to inform Members that consideration of agenda item 156, "Multilingualism", which was originally scheduled for Monday afternoon, 6 December 2004, has been postponed to a later date.

The meeting rose at 5 p.m.